

Exhibit 86

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

ANDREW H. WARREN,)
)
Plaintiff,) Case No: 4:22cv302
)
v.) Tallahassee, Florida
) November 29, 2022
RON DESANTIS, individually and)
in his official capacity as)
Governor of the State of)
Florida,)
) 9:00 AM
Defendant.) VOLUME I
)

**TRANSCRIPT OF BENCH TRIAL PROCEEDINGS
BEFORE THE HONORABLE ROBERT L. HINKLE
UNITED STATES DISTRICT JUDGE
(Pages 1 through 273)**

Court Reporter: MEGAN A. HAGUE, RPR, FCRR, CSR
111 North Adams Street
Tallahassee, Florida 32301
megan.a.hague@gmail.com

*Proceedings reported by stenotype reporter.
Transcript produced by Computer-Aided Transcription.*

1 APPEARANCES:

2 For the Plaintiff:

Perkins Coie LLP
By: JEAN-JACQUES CABOU
MARGO R. CASSELMAN
ALEXIS DANNEMAN
Attorneys at Law
jcabou@perkinscoie.com
mcasselman@perkinscoie.com
adanneman@perkinscoie.com
2901 North Central Avenue
Suite 2000
Phoenix, Arizona 85012

8 Debevoise & Plimpton LLP
By: ALEXANDRA P. SWAIN
SAMANTHA B. SINGH
Attorneys at Law
apswain@debevoise.com
sbsingh@debevoise.com
919 Third Avenue
New York, New York 10022

13 Debevoise & Plimpton LLP
By: DAVID A. O'NEIL
Attorney at Law
daoneil@debevoise.com
801 Pennsylvania Avenue NW
Suite 500
Washington, DC 20004

17 Shumaker Loop Kendrick, LLP
By: MATTHEW T. NEWTON
Attorney at Law
mnewton@shumaker.com
101 East Kennedy Boulevard
Suite 2800
Tampa, Florida 33602

21 For the Defendant:

GrayRobinson PA
By: GEORGE T. LEVESQUE
Attorney at Law
george.levesque@gray-robinson.com
301 South Bronough Street
Suite 600
Tallahassee, Florida 32301

APPEARANCES (cont'd.):

For the Defendant:

GrayRobinson PA
By: JEFFREY M. AARON
Attorney at Law
jeff.aaron@gray-robinson.com
301 East Pine Street
Suite 1400
Orlando, Florida 32801

Florida Attorney General's Office
Office of the Attorney General
By: HENRY C. WHITAKER
Attorney at Law
henry.whitaker@myfloridalegal.com
P1-01
The Capitol
Tallahassee, Florida 32399

Florida Attorney General's Office
By: DAVID M. COSTELLO
Attorney at Law
david.costello@myfloridalegal.com
3501 East Frontage Road
Suite 200
Tampa, Florida 33606

1 Am I missing something?

2 MR. LEVESQUE: No, Your Honor. But I think some of
3 the aspects of -- or at least from our perspective, there were
4 expressions that were made on Twitter.

5 THE COURT: I get it. I just -- I just wanted to make
6 sure I hadn't missed him tweeting either the trans policy or the
7 abortion policy. Those just didn't go out. Got it.

8 MR. LEVESQUE: Certainly they were out there for
9 circulation, even though he didn't personally promote them.

10 THE COURT: Did Mr. Aaron go to find Mr. Keefe?

11 MR. CABOU: He did, Your Honor. We've been trying to
12 coordinate as best we can. It's my fault.

13 THE COURT: No, I understand. Nobody knows exactly
14 when the prior witness is going to finish, so it sometimes takes
15 a minute.

16 (Mr. Keefe entered the courtroom.)

17 THE WITNESS: Go ahead?

18 THE COURTROOM DEPUTY: Please raise your right hand.

19 **LARRY KEEFE, PLAINTIFF WITNESS, DULY SWORN**

20 THE COURTROOM DEPUTY: Please be seated.

21 Please state your full name and spell your last name
22 for the record.

23 THE WITNESS: My name is Larry Keefe, K-e-e-f-e.

24 DIRECT EXAMINATION

25

Direct Examination - Mr. Keefe

1 BY MR. CABOU:

2 Q. Good afternoon, Mr. Keefe. Thank you for being here today.
3 We appreciate you being flexible in your scheduling.

4 Would you start by introducing yourself and your role to
5 the Court?

6 A. My name is Larry Keefe. I'm a senior policy advisor to
7 Governor Ron DeSantis.

8 Q. Sir, in your role as senior policy advisor to
9 Governor DeSantis can you describe generally your day-to-day
10 responsibilities?

11 A. My job is to be a liaison between the Governor's Office and
12 federal and state law enforcement. That covers areas such as
13 immigration, cybersecurity, election security, and what I call
14 ad hoc projects, things that come up that have some nexus to the
15 world that I am from and which I inhabit.

16 THE COURT: I probably should tell both sides -- I'm
17 sure you all know this -- Mr. Keefe was, of course, the
18 United States Attorney. I suspect the last time he spoke in
19 this courtroom was probably when he was being sworn in at the
20 service we had here. Both sides should know it. I know
21 Mr. Keefe because he was the United States Attorney here in this
22 district.

23 MR. CABOU: Your Honor anticipated one of my next
24 questions, but we can skip right past that now.

25

Direct Examination - Mr. Keefe

1 BY MR. CABOU:

2 Q. Mr. Keefe, anything else about your background that you'd
3 like to share with us today?

4 A. Father of four, husband, private sector lawyer for over 30
5 years, then went into public service with the Department of
6 Justice as the U.S. Attorney here in the Northern District, was
7 retired for about six or seven months, and came back into
8 service for Governor DeSantis.

9 Q. Sir, I've heard you're referred to either -- sometimes even
10 officially as the public safety czar. Is that one of the titles
11 you are known by?

12 A. It is.

13 Q. Someday I'm going to get somebody to give me the title of
14 czar. It sounds very fun.

15 At one point, sir, in the course of your duties with your
16 work with the Governor was there a review in which you were
17 involved regarding State Attorneys in the state of Florida?

18 A. Well, how that came about, I was in a meeting with the
19 Governor, the chief of staff, James Uthmeier, the general
20 counsel, Ryan Newman sometime in December of 2021. And we were
21 meeting on some subject -- I cannot particularly remember which
22 one, but in my portfolio of things that I described to the Court
23 earlier. And during the course of that meeting, the Governor
24 asked me whether there were any State Attorneys in the state of
25 Florida that were not enforcing the law. I said back to the

Direct Examination - Mr. Keefe

1 Governor that I did not know, but that I would be glad to look
2 into it. And then the conversation went on to the other topics
3 we were discussing which had something to do with my portfolio.
4 Very likely at that time I suspect it was immigration related.

5 Q. So, sir, in that meeting were you directed by the Governor
6 to investigate anything?

7 A. No.

8 Q. Did you at any point conduct an investigation of State
9 Attorneys?

10 A. I certainly wouldn't -- not to quibble, but I would stay
11 away from using your word "investigation." I didn't consider it
12 to be an investigation in the formal sense. The Governor simply
13 asked me a question. I did not have an answer to the question.
14 I said that I would look into it. And by my own standards, in
15 terms of learning to do my job and do what I do for the Governor
16 and others in the Governor's Office, my best description is I
17 looked into it in the course of my ongoing daily duties, which
18 largely is day-in-and-day-out interaction with federal, state,
19 and local enforcement throughout the state of Florida.

20 Q. Okay. The Governor has said that he asked his staff to
21 conduct a review of all State Attorneys in the state of Florida.

22 Did you, in fact, do that?

23 A. By my standards, I did, yes. I believe that I conducted a
24 statewide review of law enforcement in regard to whether there
25 were state attorneys who were not enforcing the law. And by my

Direct Examination - Mr. Keefe

1 own set of standards, since there is not a separate objective
2 set of standards as there would be, let's say, in an
3 investigation, I did that. There was no sense -- there was no
4 time deadline. There was no sense of urgency. There was no
5 haste. And I had not even actually received a tasking or an
6 order to do it. I took on the project so at some point I would
7 be able to apprise the Governor of what I had picked up in the
8 course of my regular duties on whether there was the impression
9 or belief in the law enforcement community that there were one
10 or more State Attorneys who were not enforcing the law.

11 Q. Did you conduct a systematic, methodical investigation of
12 whether or not there were State Attorneys in Florida not
13 enforcing the law?

14 A. I did not conduct a systematic, methodical investigation.
15 Once again, I did not conduct an investigation. That was not --
16 that was not what I chose to do in the endeavor that I pursued.

17 Q. Is it fair to say that your work consisted primarily of
18 speaking with contacts in law enforcement and listening to what
19 they had to say?

20 A. Predominantly, yes.

21 Q. Is it fair to say that that work was on an ad hoc basis?

22 A. Sometimes it would be nothing for a day or a week, and
23 sometimes it would be a regular ongoing basis for two or three
24 weeks where, throughout the course of the day in my interactions
25 on various subjects, I would bring up the subject. And it would